**74:12:02:01.  Requirements to drill, deepen, or reenter for oil or gas.** A person drilling for oil and gas must obtain a permit to drill, deepen, or reenter a well before initiating drilling activities. The secretary may issue a permit to drill upon receipt of the following:

 (1)  Organization report, including the name and address of the registered agent and parent companies;

 (2)  Application for permit to drill on a form provided by the secretary;

 (3)  A plat map certified by a surveyor registered in South Dakota and depicting proposed access roads;

 (4)  The permit fee required by SDCL 45-9-4;

 (5)  A plugging and performance bond consisting of a financial instrument approved by the department;

 (6)  A surface restoration bond consisting of a financial instrument approved by the department, if the surface owner or lessee or a successor is not a party to the oil and gas leasing agreement;

 (7)  Certification of negotiation with surface owner or lessee;

 (8)  A bonding company information sheet;

 (9)  Plans and specifications showing the construction details for any proposed site, including the size and location of all pits on the site, as well as a cross-section of the pit, showing the soil types;

 (10)  A completed certification of applicant form required by SDCL 1-40-27;

 (11)  A completed permission to inspect form required by § 74:12:08:03;

 (12)  The source of the applicant's legal right to enter and initiate drilling on the affected land.

 **Source:** 38 SDR 117, effective January 12, 2012.

 **General Authority:** SDCL 45-9-11, 45-9-13.

 **Law Implemented:** SDCL 1-40-27, 45-9-4, 45-9-15, 45-9-73.